

**MINUTES OF THE
STATE ELECTIONS ENFORCEMENT COMMISSION
REGULAR MEETING
October 12, 2005**

I. Call to Order

Chairman Cashman called the meeting to order at 9:25 A.M. Commissioner Jenkins was present and Commissioner Brett was on line via telephone. Staff members present were Messrs. Garfield, Lenge, Smith, Crayton, Ly, Ms. Andrews, Ms. Kulmacz, Ms. Haqq, Ms. Adams and Ms. Blackburn.

Mr. Garfield respectfully requested that the Commission add to today's agenda the matter of a possible investigation of the campaign of New Haven Mayor John DeStefano. Mr. Garfield explained this matter has come to the attention of the Commission as a result of an October 7, 2005 Journal Inquirer news article that indicated there may be potential violations of C.G.S. §9-333j.

It was moved by Commissioner Jenkins and seconded by Commissioner Brett to add the matter to the agenda. So voted.

It was moved by Commission Jenkins and seconded by Commissioner Brett that the Commission initiate an investigation In Re: DeStefano For Connecticut. So voted.

II. Approval of the Minutes of the September 21, 2005 Special Meeting

It was moved by Commissioner Jenkins and seconded by Commissioner Brett to approve the minutes of the September 21, 2005 special meeting. So voted.

III. Pending Complaints and Investigations

A. Public Session

1. In the Matter of a Complaint by Susan Sinclair Wallace, Cheshire
File No. 2005-135
Proposed Consent Agreement and Order
Respondent: Terry Kelliher
Investigator: Attorney Joan M. Andrews
Managing Attorney: Albert P. Lenge

Mr. Lenge explained the above referenced matter. Attorney Andrews summarized the investigation and the proposed Consent Agreement and Order. Respondent Kelliher has agreed to make restitution to the Caucus of Connecticut Democrats PAC in the amount of \$3,145 within 30 days of the adoption of the agreement as a final decision. He will send a check to the Commission and it will be forwarded to the PAC. In addition, Mr. Kelliher will remit a civil penalty in the amount of \$4,000 on or before February 1, 2006.

It was moved by Commissioner Jenkins and seconded by Commissioner Brett to adopt the proposed Consent Agreement and Order in File No. 2005-135. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

2. In the Matter of a Complaint by Susan Alberty, Danielson
File No. 2005-164
Proposed Findings and Conclusions
Investigator: Attorney Marc W. Crayton
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced complaint and the proposed Findings and Conclusions recommending the matter be dismissed.

It was moved by Commissioner Jenkins and seconded by Commissioner Brett to adopt the proposed Findings and Conclusions in File No. 2005-164 dismissing the matter for the reasons stated. So voted. The complaint is dismissed. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

3. In the Matter of a Complaint by Arthur Screen, Plainville
File No. 2005-168
Proposed Findings and Conclusions
Investigator: Attorney Marc W. Crayton
Managing Attorney: Albert P. Lenge

Mr. Lenge explained the above referenced complaint. Attorney Crayton summarized the investigation and proposed Findings and Conclusions.

It was moved by Commissioner Jenkins and seconded by Commissioner Brett to adopt the proposed Findings and Conclusions in File No. 2005-168 dismissing the complaint for the reasons stated. So voted. The complaint is dismissed. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

4. In the Matter of a Complaint by James Morrissey, West Haven
File No. 2005-180
Proposed Consent Agreement and Order
Respondent: Charles Marino, JoAnne Callegari,
Deborah Evangelista and JoAnn Mapes
Investigator: Attorney Marc W. Crayton
Managing Attorney: Albert P. Lenge

Mr. Lenge explained the above referenced complaint. The Commission adopted Findings and Conclusions dismissing certain aspects of this complaint at the September 21, 2005 meeting. The proposed Consent Agreement and Order addresses the second part of this complaint. The Respondents referenced above have all signed the agreement and Mr. Lenge recommends its adoption.

It was moved by Commissioner Jenkins and seconded by Commissioner Brett to adopt the proposed Consent Agreement and Order in File No. 2005-180. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

5. In the Matter of a Complaint by Francis Novachek, Bethel
File No. 2005-252
Proposed Findings and Conclusions
Investigator: Attorney Marc W. Crayton
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced matter and the proposed Findings and Conclusions recommending the complaint be dismissed.

It was moved by Commissioner Jenkins and seconded by Commissioner Brett to adopt the proposed Findings and Conclusions in File No. 2005-252 dismissing the complaint for the reasons stated. So voted. The complaint is dismissed. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

B. *Executive Session per C.G.S. 1-200(6)(B) and (E), and 1-210(b)(4)*

It was moved by Commissioner Jenkins and seconded by Commissioner Brett at 10:40 A.M. to proceed into executive Session pursuant to C.G.S. 1-200(6)(B) and (E) and 1-210(b)(4) to discuss strategy and negotiations with respect to pending claims listed as Items 6 and 7 on the agenda. So voted. Present and on line were Commissioners Cashman, Jenkins and Brett. Staff member present were Messrs. Garfield, Lenge, Smith, Crayton, Ly, Ms. Andrews, Ms. Kulmacz, Ms. Haqq, Ms. Adams and Ms. Blackburn.

It was moved by Commissioner Jenkins and seconded by Commissioner Brett to return to public session at 10:20 A.M. So voted.

The Commission returned to Public Session and took the following action:

6. In the Matter of a Referral by South Windsor Registrars of Voters
File No. 2005-175

Investigator: Attorney Marc W. Crayton
Managing Attorney: Jeffrey B. Garfield

It was moved by Commissioner Jenkins and seconded by Commissioner Brett to direct staff to notify the South Windsor Registrars of Voters that Mr. Ralph J. Gagliardo should be removed from the voter registration list for lack of the bona fide residence requirement of the Town of South Windsor. So voted.

The complaint is continued.

7. In the Matter of a Complaint by Arthur Perry, New Britain
File No. 2005-176

Investigator: Attorney Joan M. Andrews
Managing Attorney: Jeffrey B. Garfield

This matter is continued.

IV. *Find Reason to Believe Recommendations & Designation of Hearing Officer*

8. Referral by the Office of the Secretary of the State
File No. 2005-233NF

Litchfield Democratic Town Committee

Respondent: Joseph Frascarelli, Treasurer

Investigator: Attorney Joan M. Andrews

Managing Attorney: Jeffrey B. Garfield

Recommendation: Find Reason to believe that Respondent

Joseph Frascarelli violated §9-333j and § 9-333y
of the Connecticut General Statutes

9. Referral by the Office of the Secretary of the State
File No. 2005-234NF
New Canaan Republican Town Committee
Respondent: Gordon Lee Jones, III, Treasurer
Investigator: Attorney Joan M. Andrews
Managing Attorney: Albert P. Lenge
Recommendation: Find Reason to believe that Respondent
Gordon Lee Jones, III violated §9-333j and § 9-333y
of the Connecticut General Statutes
10. Referral by the Office of the Secretary of the State
File No. 2005-235NF
North Branford Democratic Town Committee
Respondent: Mary Hart, Treasurer
Investigator: Attorney Joan M. Andrews
Managing Attorney: Jeffrey B. Garfield
Recommendation: Find Reason to believe that Respondent
Mary Hart violated §9-333j and § 9-333y
of the Connecticut General Statutes
11. Referral by the Office of the Secretary of the State
File No. 2005-237NF
Working Families Campaign Committee
Respondent: Dennis O'Neil, Treasurer
Investigator: Attorney Joan M. Andrews
Managing Attorney: Jeffrey B. Garfield
Recommendation: Find Reason to believe that Respondent
Dennis O'Neil violated §9-333j and § 9-333y
of the Connecticut General Statutes

It was moved by Commissioner Jenkins and seconded by Commissioner Brett that the Commission finds reason to believe that the Respondents referenced in File Nos. 2005-233NF, 2005-234NF, 2005-235NF and 2005-237NF violated §§9-333j and 9-333y of the Connecticut General Statutes and that a hearing officer be designated for the purpose of conducting hearings for these matters. So voted.

Chairmen Cashman designated Mr. Garfield to be Hearing Officer for File No. 2005-234NF and Mr. Lenge to be Hearing Officer for File Nos. 2005-233NF, 2005-235NF and 2005-237NF.

V. Legislative Business

Mr. Garfield stated that the final report of the Campaign Finance Reform Working Group has been completed. There seems to be a lot of opposition. He is not confident that the reform will come to pass. He has prepared a proposed budget that will be needed in order for this agency to perform the additional duties that would be mandated by the new campaign finance reform if it passes.

Mr. Garfield mentioned that his intention for the next meeting is to ask staff and the Commissioners for possible legislative recommendations for the 2006 session. He will be looking for mostly technical changes in the areas of campaign finance and absentee ballot voting. There will be a survey of the Town Clerks after the election to see whether the application for absentee ballot's accounting procedures have been successful and if there is a need for changes to the law.

VI. *Adjournment*

It was moved by Commissioner Jenkins and seconded by Commissioner Brett to adjourn the meeting at 10:30 A.M. So voted.

Unless otherwise indicated, all votes of the Commission were unanimous.

The next regular meeting is scheduled for Wednesday, November 16, 2005 at 9:00 a.m.

Respectfully submitted,

Lois E. Blackburn
Clerk of the Commission